

APPLICATION (Revised September 2011)
TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

**RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS
SELECTED AS A NOMINEE.**



NAME: Joseph S. Dueker

1. State your present principal occupation: Associate Circuit Judge, Division 43, State of Missouri, St. Louis County Circuit Court, Clayton, MO 63105.
2. Are you at least 30 years of age? Yes.
3. (a) How long have you been a citizen of the United States? 49 years.
(b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application? Yes.
(c) How long have you been a qualified voter of Missouri? 31 years.

4. Are you licensed to practice law in Missouri? Yes.

List any other states, courts, or agencies in which you are licensed as an attorney:

5. State the date you were admitted to the Bar in Missouri? October 1992

Missouri Bar Number: 40288

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

University of Richmond, 28 Westhampton Way, Richmond, VA 23173
B.A., Economics/History, *cum laude*, May 1989

Saint Louis University School of Law, 100 N. Tucker Blvd., St. Louis, MO 63101
J. D., May 1992

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

Metropolitan Sewer District, 2000 Hampton, St. Louis, MO 63139; laborer, Summer 1985; accounting clerk, Summers 1987, 1988 and 1989

Transfiguration School, 12555 Partridge Run Drive, Florissant, MO 63033;
laborer, Summer 1986

Godfrey, Dunne & Smallwood, One Boatmen's Plaza, Ste. 1600, 8th and Olive, St. Louis, MO 63101; law clerk, May 1990 – May 1991

Land of Lincoln Legal Assistance Foundation, Inc., 413 East Broadway, Alton, IL 62002; law clerk, May 1991 – May 1992

Rabbitt, Pitzer & Snodgrass, P.C., One Boatmen's Plaza, 800 Market St., Ste. 2300, St. Louis, MO 63101; Associate, August 1992 – March 1993

St. Louis County Prosecuting Attorney's Office, 100 South Central, 2nd Floor, Clayton, MO 63105; Assistant Prosecuting Attorney, March 1993 – August 2008; Associate Chief Trial Attorney, August 2008 – September 2010

State of Missouri, St. Louis County Circuit Court, 105 South Central Avenue, Clayton, MO 63105; Associate Circuit Judge, September 2010 – present

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome. See attached.
 - (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome. See attached.
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? Yes.
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed.
11. Have you briefed or argued any case before any appellate court? Yes.
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case. See attached.
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

Associate Circuit Judge, Division 43, September 2010 – present

Presided over eleven (11) civil and criminal jury trials to verdict, one (1) hung jury and countless bench trials

Associate Criminal docket, January 2015 – present

Presiding over criminal dockets and cases involving, among other things, felony preliminary hearings, misdemeanor and municipal ordinance violation jury trials, misdemeanor and municipal ordinance violation bench trials, bond review hearings, pleas, sentencings, arrest warrant review and search warrant review.

Child Support Contempt docket, January 2013 – present

Presiding over docket involving the State of Missouri's motions for contempt for non-payment of child support.

Associate Civil docket, January 2013 – December 2014

Presided over civil dockets involving, among other things, contract

claims, equity, torts, statutory actions, landlord/tenant, motions, jury trials and bench trials.

Department of Revenue Rehearing docket, January 2014 – December 2014

One of only two (2) judges presiding over rehearings of traffic commissioner judgments of cases involving challenges to Missouri Department of Revenue administrative decisions.

St. Louis County Family Court, September 2010 – December 2012

Presided over numerous cases, trials and hearings involving original dissolution, child custody, child support, maintenance, property and debt division, paternity, motions to modify and motions for contempt.

Adult Abuse docket, September 2010 – December 2012

Presided over numerous cases, trials and hearings involving petitions for orders of protection for both adults and children.

Presenter, “Associate Circuit Court Practice in St. Louis County Circuit Court,” Bar Association of Metropolitan St. Louis CLE Program, May 2014.

St. Louis County Prosecuting Attorney’s Office, March 1993 – September 2010

Tried approximately forty (40) jury trials and countless bench trials to verdict

Associate Chief Trial Attorney, August 2008 – September 2010

Supervised 8 attorneys who represented the State of Missouri on all criminal matters pending in Associate Circuit Court, including bond motions, plea agreement recommendations, misdemeanor trials, felony preliminary hearings, traffic and Department of Revenue Petition for Review hearings.

Sexual Assault Team, 1997 – 2008

Reviewed arrest warrant applications, prepared search warrants, drafted pleadings, interviewed child and adult victims and witnesses, drafted motions, argued motions and prosecuted defendants in cases involving rape, sodomy, sexual assault, deviate sexual assault, child molestation, sexual misconduct, child enticement, child abuse, elder abuse and child pornography.

Also represented the State of Missouri from arrest warrant through guilty plea, trial and/or post-conviction matters in numerous other cases involving, among other things, the death penalty, murder, manslaughter, assault, robbery, kidnapping and domestic assault offenses.

Assigned Special Prosecuting Attorney in cases in the Circuit Court of the City of St. Louis and the Circuit Court of Jefferson County

In addition to the trials listed in 8 (b) (see attachment) above, numerous other felony and misdemeanor bench and jury trials as both first and second chair, including but not limited to, the following trials in St. Louis County Circuit Court:

State v. Larry Miller, 03CR-1757, first chair, jury trial, 12/04, Guilty – Felony Murder/Assault 1st/Robbery 1st/Armed Criminal Action, Life

State v. Barry Baker, 00CR-4166, first chair, jury trial, 03/03, Guilty – Murder 1st, Life without parole (Death Penalty case)
State v. Lajuan Hayes, 01CR-3634, first chair, jury trial, 07/02, Guilty – Assault 1st/ Armed Criminal Action, 30 years MDC
State v. Jeffrey Moody, 00CR-1258, first chair, jury trial, 07/01, Guilty – Stat. Rape 1st, 17 years MDC
State v. Sanford White, 00CR-3343, first chair, jury trial, 05/01, Guilty – Robbery 1st/Armed Criminal Action, 23 years MDC
State v. Wesley Warren, 99CR-1979A, first chair, jury trial, 05/00, Guilty – Assault 1st/Armed Criminal Action, 17 years MDC
State v. Keith Day, 99CR-2354, first chair, jury trial, 01/00, Guilty - Trafficking 2nd, 10 years MDC
State v. Gregory Jimerson, 98CR-4524, first chair, jury trial, 04/99, Guilty – Stat. Rape 1st/Stat. Sodomy 1st, 30 years MDC
State v. Nathaniel Heard, 98CR-5703, first chair, jury trial, 03/99, Guilty – Stat. Sodomy 1st, 10 years MDC
State v. David Cotton, 97CR-5201, first chair, bench trial, 04/98, Guilty – Voluntary Manslaughter/Armed Criminal Action, 14 years MDC
State v. David Rasche, 97CR-3677, first chair, jury trial, 01/98, Guilty – Attempt Forcible Sodomy, 20 years MDC
State v. Malcolm Jackson, 95CR-4689, first chair, jury trial, 03/97, Guilty – Unlawful Use of a Weapon/ Trafficking 2nd, 25 years MDC

Saint Louis University School of Law, Moot Court “Best Brief” Award, 1991; and, Moot Court Board

13. Have you ever been convicted of a misdemeanor or felony? No.
If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:

14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? Yes.
If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:

A case.net search reveals that I was named as one of several named civil defendants in Lester Krupp v. St. Louis County Police, et al., Cause No. 09SL-CC01923, which was apparently a replevin action related to State v. Lester Krupp, 07CR-434, discussed above in 8(b). The case was filed in St. Louis County Circuit Court in 2009. I was never served in this matter and, according to case.net, the case was dismissed in early 2011.

15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? No.
If yes, provide details:

16. Have you ever been held in contempt of court? No.
If yes, provide details:

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

(a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? No.
If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:

(b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. No.

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

(c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details:

While I was assigned to the Family Court, a litigant in a paternity action alleged in a pleading that he had filed a complaint against me regarding my Judgment requiring him to pay child support. The Commission on Retirement, Removal and Discipline never advised me of such a complaint and never verified that the complaint was ever filed.

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? No.
If yes, provide details:

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

Missouri Bar

St. Louis County Bar Association

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

Volunteer Judge, St. Louis County Circuit Court Adoption Saturday

Member, Christ, Prince of Peace Catholic Church

Volunteer, Special Needs Soccer Association (SPENSA)

Volunteer, St. Patrick's Center

21. Do you now hold or have you ever held any elective or appointive public office or position?

Yes.

If yes, provide details:

Associate Circuit Judge, Division 43, St. Louis County Circuit Court, 105 South Central Avenue., Clayton, MO 63105. September 2010 – present.

Member, Circuit Court Law Library Surcharge Committee

Co-Chair, Circuit Court Judicial Resources Sub-committee

St. Louis County Prosecuting Attorney's Office, 100 South Central, 2nd Floor, Clayton, MO 63105.

Assistant Prosecuting Attorney, March 1993 – August 2008.

Associate Chief Trial Attorney, August 2008 – September 2010.

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:
23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:
24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

John P. Rogers
Attorney at Law
Rosenblum, Schwartz, Rogers & Glass PC
120 South Central Ave., Suite 130
Clayton, MO 63105
314-862-4332

Sarah Pleban
Attorney at Law
7733 Forsyth Blvd., Suite 1850
Clayton, MO 63105
314-647-6677

John Newsham
Attorney at Law
9939 Gravois Road
St. Louis, MO 63123
314-631-0200

Christine E. Travaglini
Attorney at Law
1420 Strassner Drive
St. Louis, MO 63144
314-962-1115

Joseph Bante
Attorney at Law
2025 S. Brentwood Blvd., Ste. 25
St. Louis, MO 63144
314-962-1131

25. State any additional data you deem relevant:

Married, September 2, 1995 to Jane E. Dueker.

Two children: Leo, age 18; and, Vivian, age 13.

University of Richmond
NCAA Division I, Soccer (Captain)
Scholar-Athlete Award, 1989
University Presidential Citation, 1989

Parade All-American, Soccer, 1985

Former youth basketball and soccer coach, Christ, Prince of Peace Catholic Church

Former youth coach, St. Louis Scott Gallagher Soccer Club

8.

CITY OF FERGUSON v. OSAGYEFO SEKOU, Cause No. 15SL-MU00122. February 8 and 9, 2016. Prosecuting Attorney Patrick Chassaing, 130 S. Bemiston Ave., Ste. 200, Clayton, MO 63105, represented the City of Ferguson. Jerry Christmas, Attorney at Law, 4625 Lindell Blvd., Ste. 500, St. Louis, MO 63108, represented Defendant. Jury Trial. The City of Ferguson charged Defendant with Failure to Obey a Police Order during the Ferguson protests in September of 2014. The jury returned a verdict of not guilty.

CITY OF CHESTERFIELD v. ZACHARY CHASNOFF, Cause No. 14SL-MU01256. June 15, 2015. Prosecuting Attorney Timothy A. Engelmeyer, 13321 North Outer Forty Road, Suite 300, Chesterfield, MO 63017, represented the City of Chesterfield. Joseph P. Welch, Attorney at Law, 3115 South Grand Blvd., Suite 300, St. Louis, MO 63118, represented Defendant. Jury trial. The City of Chesterfield charged Defendant with Trespass after he was arrested for protesting home foreclosures at a law firm. The jury found Defendant guilty. Defendant had waived jury sentencing, and the Court sentenced Defendant to a \$1,000 fine, suspended the execution of sentence as to \$600 of that amount, and placed Defendant on probation for a period of 24 months.

STATE OF MISSOURI v. MICHELLE ALLEN, Cause No. 15SL-CR01057. May 18 and 19, 2015. Assistant Prosecuting Attorney Chelsea Mortimer, 100 South Central, 2nd Floor, Clayton, MO 63105, represented the State of Missouri. Assistant Public Defender Kayla Williams, 100 South Central, 2nd Floor, Clayton, MO 63105, represented Defendant. Jury trial. The State of Missouri charged Defendant with Violation of an Order of Protection. The purported victim was Defendant's daughter's dance coach. The jury returned a verdict of not guilty.

STATE OF MISSOURI v. MEILING KOCH, Cause No. 14SL-CR09073. April 13 and 14, 2015. Assistant Prosecuting Attorney Chelsea Mortimer, 100 South Central, 2nd Floor, Clayton, MO 63105, represented the State of Missouri. Edgar Lim, Attorney at Law, 7702 Big Bend Boulevard, St. Louis, MO 63119, represented Defendant. Jury trial. The State of Missouri charged Defendant with Prostitution after her arrest during an undercover operation. The jury found Defendant guilty and assessed punishment at a fine plus 60 days in the custody of the Department of Justice Services. The Court later sentenced Defendant to a \$300 fine and 60 days imprisonment in the custody of the Department of Justice Services.

SYDONNA JOHNSON AND ANTHONY JOHNSON v. DARRYL JONES, Cause No. 12SL-AC40945. October 22 and 23, 2014. Stephen J. Nangle, Attorney at Law, 7120 Oakland Ave., St. Louis, MO 63117, represented Plaintiffs. Jeffrey J. Brinker, Attorney at Law, Brinker & Doyen, L.L.P., represented Defendant. Jury trial. Plaintiffs filed a negligent representation suit against their insurance agent alleging that he failed to adequately warn them of their insurance cancellation. The insurance company cancelled Plaintiffs' policy after Plaintiffs failed to make a timely premium payment. Plaintiffs

complained that they were unaware of the cancellation until they submitted a claim after one of them was involved in a motor vehicle accident. The jury returned a verdict in favor of Defendant.

OREO & BOTTA CONCRETE COMPANY v. BRIAN HURST, LLC, ET AL., Cause No. 12SL-AC22399. August 18 and 19, 2014. Gregory G. Fenlon, Attorney at Law, 231 S. Bemiston, Suite 910, Clayton, MO 63105, represented Plaintiff. James C. Leritz, Attorney at Law, Leritz, Plunkert & Bruning, PC, 555 Washington Avenue, Suite 600, St. Louis, MO 63101, represented the Defendants. Jury Trial. Plaintiff filed, among other things, breach of contract suit against Defendants alleging Defendants failed to compensate Plaintiff \$14,475 for installation of a concrete floor in Defendants' restaurant. Defendants filed a counterclaim against Plaintiff for, among other things, negligent misrepresentation. The jury returned a verdict in favor of Plaintiff in the amount of \$7500.

LHRET ST. LOUIS THE, LLC v. WELLNESS HEALTHCARE ASSOCIATES, INC., Cause No. 12SL-AC41422. May 10, 2013. Paul T. Sonderegger, Attorney at Law, Thompson Coburn LLP, One US Bank Plaza, St. Louis, MO 63101, represented Plaintiff. William E. Daily, Jr., Attorney at Law, 3115 S. Grand Blvd., Suite 350F, St. Louis, MO 63118, represented Defendant. Bench trial. Plaintiff landlord sued doctor's office tenant for back rent and possession of commercial rental property. The Court found in favor of Plaintiff and awarded Plaintiff possession of the premises and rents in the amount of \$36,950.66, plus court costs and attorneys' fees.

AMANDA L. BJORNSON v. ANNE E. HANFT, Cause No. 12SL-AC35948. April 9, 2013. Michelle E. Radice, Attorney at Law, 911 Washington Avenue, Suite 400, St. Louis, MO 63101, represented the Plaintiff. Rebecca E. Schubert, Attorney at Law, 1650 Des Peres Road, Suite 220, St. Louis, MO 63131, represented the Defendant. Jury trial. Plaintiff claimed personal injuries and damages arising from a motor vehicle accident caused by Defendant's negligence. The jury returned a verdict in favor of Plaintiff in an amount equal to Plaintiff's medical bills.

GENEVIEVE-ANNE GAUDREAU V. RICHARD A. BARNES, Cause No. 2103FC-09777. July 12 and July 25, 2012. Susan Hais, Attorney at Law, and Elliott Goldberger, Attorney at Law, 222 S. Central Ave., Suite 600, St. Louis, MO 63105, represented Petitioner. Francis J. Murphy, III, Attorney at Law, and Brittany Brown, Attorney at Law, 11737 Administration Drive, Suite 200, St. Louis, MO 63146 represented Respondent. Jeffrey P. Medler, Attorney at Law, 7733 Forsyth, Suite 1850, Clayton, MO 63105, was the Guardian ad Litem. Bench trial. The parties each filed Motions to Modify requesting that their 5 year-old son primarily reside with them. Petitioner resided in Quebec, Canada and Respondent resided in St. Charles, Missouri. The Court granted Petitioner's Motion and ordered that the child primarily reside with Petitioner.

J.A.N. v. R.G.N., Cause No. 2104FC-02535-01. April 13, 2011. James J. Leightner, Attorney at Law, 230 S. Bemiston, Suite 600, Clayton, MO 63105, represented Petitioner. Jonathan D. Marks, Attorney at Law, 4 City Place Drive, Suite 497, Creve Coeur, MO

Missouri 63141, represented Respondent. Catherine W. Keefe, Attorney at Law, 231 South Bemiston Avenue, Suite 210, Clayton, Missouri 63105, was the Guardian ad Litem. Bench trial. Respondent filed a Motion to Set Aside Judgment of Paternity and Support regarding his 17 year-old daughter. Respondent alleged that, under a recently enacted paternity statute, he should no longer have to provide support for the minor child in question because he was not the child's biological father. The Court determined, among other things, that the paternity statute did not apply to the dissolution proceeding and denied Respondent's Motion.

8(b).

State v. Gregory Bowman, 07CR-532; October 2009; St. Louis County Circuit Court; The Honorable David Lee Vincent, III. I was first chair and represented the State of Missouri. Stephen Evans, 8000 Maryland Ave., Suite 640, Clayton, MO 63105, was opposing counsel. Jury trial. The defendant abducted and murdered a 16 year-old girl in June 1977, and the case remained unsolved until 2007 when DNA analysis linked the defendant to the crime. The jury found the defendant guilty of Capital Murder and returned a verdict of Death after the penalty phase. The Missouri Supreme Court later affirmed the defendant's conviction of Capital Murder but reversed the sentence of Death and granted the defendant a new penalty phase trial only.

State v. Dwayne Wingo, 05CR-5207, June 2009; St. Louis County Circuit Court; The Honorable Robert Cohen. I was second chair and supervised the first chair attorney; we represented the State of Missouri. The defendant ultimately represented himself but Annette Llewellyn, 1114 Market St., Ste. 602, St. Louis, MO 63101, assisted as standby counsel. Jury trial. The defendant robbed a fast food restaurant by passing a threatening note to a restaurant employee. The jury found the defendant guilty of Robbery in the First Degree and the Court later sentenced the defendant to 26 years imprisonment in the Missouri Department of Corrections.

State v. Rolondo Colon, 02CR-4428; May 2009; St. Louis County Circuit Court; The Honorable Richard Bresnahan. I was first chair and represented the State of Missouri. Richard Sindel, 8000 Carondelet, Ste. 301, Clayton, MO 63105, was opposing counsel. Jury trial. The State charged the defendant in 2002 with two counts of Forcible Rape. The victim was the ex-girlfriend of the defendant's friend. The offenses occurred at the victim's residence following the defendant's overnight visit. The trial did not occur until 2009 because the defendant was a serviceman stationed in Iraq. The jury found the defendant not guilty.

State v. Dwayne Wingo, 05CR-5207; April 2009; St. Louis County Circuit Court; The Honorable Robert Cohen. I was first chair and represented the State of Missouri. Annette Llewellyn, 1114 Market St., Ste. 602, St. Louis, MO 63101, was opposing counsel. Jury trial. This case was severed from the above-named robbery but remained under the same cause number. The defendant approached a fast food restaurant employee at the drive-thru and threatened to shoot him unless the employee gave him money. The jury found the defendant guilty of Robbery in the First Degree and Resisting Arrest and the Court later sentenced the defendant to 24 years imprisonment in the Missouri Department of Corrections.

State v. Melvin Clark, 07CR-1096; March 2009; St. Louis County Circuit Court; The Honorable Maura McShane. I was first chair and represented the State of Missouri. Nancy Pew, 100 South Central, Clayton, MO 63105, was opposing counsel. Jury trial. The defendant developed a two-month sexual relationship with his girlfriend's 12 year-old daughter. The jury found the defendant guilty of Statutory Rape in the First Degree and Statutory Sodomy in the First Degree and the Court later sentenced the defendant to 25 years imprisonment in the Missouri Department of Corrections.

State v. David Schoonover, 07SL-CR03323; December 2008; St. Louis County Circuit Court; The Honorable James Hartenbach. I was first chair and represented the State of Missouri. Sarah

Lambright, 100 South Central, Clayton, MO 63105, was opposing counsel. Jury trial. The defendant molested his 5 year-old nephew. The jury found the defendant guilty of Statutory Sodomy in the First Degree and the Court later sentenced the defendant to 15 years imprisonment in the Missouri Department of Corrections.

State v. Donald Hardy, 07SL-CR03168, September 2008; St. Louis County Circuit Court; The Honorable Lawrence Permuter. I was second chair and supervised the first chair attorney. We represented the State of Missouri. Donnell Smith, 1945 Woodson Rd., St. Louis, MO 63114, was opposing counsel. Jury trial. The defendant was the Police Chief of the City of Kinloch. He gave a law enforcement badge to a civilian associate of the Kinloch Police Department. The jury found the defendant not guilty of Knowingly Granting/Continuing Peace Officer Commission without a Valid License.

State v. Lester Krupp, 07CR-434; April 2008; St. Louis County Circuit Court; The Honorable Colleen Dolan. I was first chair and represented the State of Missouri. Travis Noble, 8000 Carondelet Ave, Ste. 301, Clayton, MO 63105, was opposing counsel. Jury trial. The defendant posed as a modeling agent/photographer and sexually assaulted two young women. The jury found the defendant guilty of Felonious Restraint, Sexual Misconduct in the First Degree and multiple counts of Deviate Sexual Assault. The Court sentenced the defendant to 15 years imprisonment in the Missouri Department of Corrections.

State v. Kashmir Newell, 06CR-1422; September 2007; St. Louis County Circuit Court; The Honorable James Hartenbach. I was first chair and represented the State of Missouri. Linda Jarman, 111 Church St., Suite 207, St. Louis, MO 63135, was opposing counsel. Jury trial. The 18 year-old defendant had the 13 year-old victim perform oral sex on him at her home. The jury found the defendant guilty of Statutory Sodomy in the First Degree and the Court later sentenced the defendant to 5 years imprisonment in the Missouri Department of Corrections.

State v. Wendell Adams, 05CR-1660; August 2006; St. Louis County Circuit Court; The Honorable Steven Goldman. I was first chair and represented the State of Missouri. Paul Yarns, 100 South Central, 2nd Floor, Clayton, MO 63105, was opposing counsel. Jury trial. After meeting the victim at a nightclub, the defendant strangled her to death in her truck and tried to set the truck on fire. Investigation led to the defendant and circumstantial evidence, including DNA, connected him to the crime. The jury found the defendant guilty of Murder in the First Degree, Knowingly Burning or Exploding and Tampering with Physical Evidence, and the Court later sentenced the defendant to Life Imprisonment in the Missouri Department of Corrections without eligibility for probation or parole.

State v. Lawyer Lewis, 05CR-001063; September 2005; St. Louis County Circuit Court; The Honorable Colleen Dolan. I was second chair and supervised the first chair attorney. We represented the State of Missouri. Kyle Winston, 5784 Kingsbury, St. Louis, MO 63112, was opposing counsel. Jury trial. The defendant sold cocaine to an undercover police officer. The jury found the defendant guilty of Delivery of a Controlled Substance and the Court later sentenced the defendant to 5 years imprisonment in the Missouri Department of Corrections.

State v. Rico Bracy, 04CR-1194; May 2005; St. Louis County Circuit Court; The Honorable Emmett O'Brien. I was first chair and represented the State of Missouri. Daniel Reardon, #6 Lynnbrook Drive, St. Louis, MO 63131, was opposing counsel. Jury trial. The police curbed the

defendant for a traffic violation. The defendant, who had at least two prior DWI offenses, was intoxicated, failed all field sobriety tests and refused to submit to a breath test. The jury found the defendant guilty of Driving While Intoxicated – Persistent Offender, and the Court sentenced the defendant to 3 years imprisonment in the Missouri Department of Corrections.

11.

As first chair, I briefed and argued the following death penalty case on behalf of Respondent in the Missouri Supreme Court:

State ex rel. Barry K. Baker, Relator v. The Honorable Larry Kendrick, Respondent, 136 S.W.3d 491 (Mo. banc 2004). In this case which I tried as first chair, a St. Louis County jury found the defendant guilty of Murder in the First Degree but was unable to agree on punishment. Respondent trial court ordered a new penalty-phase trial only. Relator filed a writ of prohibition to bar a new penalty-phase trial. The Court made its preliminary writ absolute, which barred a new penalty-phase trial, and ordered that Respondent's only option was to impose a sentence of life imprisonment without eligibility for probation or parole.

I also briefed the following two cases (arising from a death penalty case) on behalf of Respondent in the Eastern District of the Missouri Court of Appeals and the Missouri Supreme Court:

In State ex. rel. Gregory Bowman, Relator, v. The Honorable David Vincent, Respondent, ED92620 and SC89984 (2009), Relator filed a petition for writ of prohibition to bar admission of other alleged bad acts and Relator's statements. As first chair, I briefed the case and drafted and filed the suggestions in opposition to the petition. The Eastern District of the Missouri Court of Appeals and the Supreme Court denied the writ.

In State ex. rel. Gregory Bowman, Relator, v. The Honorable David Vincent, Respondent, ED92619 and SC89985 (2009), Relator filed a petition for writ of prohibition regarding Relator's motion to suppress DNA evidence. As first chair, I briefed the case and drafted and filed the suggestions in opposition to the petition. The Eastern District of the Missouri Court of Appeals and the Supreme Court denied the writ.

Joseph S. Dueker - Attachment

Biographical sketch

Judge Dueker has served as an associate circuit judge since his appointment on August 13, 2010. He earned his bachelor of arts degree, *cum laude*, in economics and history in 1989 from the University of Richmond. He earned his law degree in 1992 from Saint Louis University School of Law. Prior to his appointment to the bench, Judge Dueker served in the St. Louis County Prosecuting Attorney's Office for more than 17 years. He was assigned to the office's Sexual Assault team for more than 10 years and later served as Associate Chief Trial Attorney. Judge Dueker resides in St. Louis County with his wife and their two children.